IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12426 of 2004
to
Special Civil Application No. 12431 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE M.R. SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SURESHBHAI ZAVERBHAI PATEL & Ors.
Versus
STATE OF GUJARAT & Ors.

Appearance:
1. Special Civil Application No. 12426 of 2004
MR CHIRAG B PATEL for Petitioner No. 1
Mr. Dipen A. Desai, AGP for Respondent No. 1-2
MR. Tushar Mehta for Mr. KETAN D SHAH
for Respondent No. 3

CORAM : HON'BLE MR.JUSTICE M.R. SHAH
Date of decision: 27/09/2004

ORAL JUDGEMENT

Rule. Mr. Dipen A. Desai, learned AGP is directed to accept the notice on behalf of respondents No. 1 and 2. Shri Desai, ld. AGP waives service of

Rule on behalf of respondents No. 1 and 2 and Shri Tushar Mehta, learned advocate, who appears on caveat waives service of Rule on behalf of respondent No.3. With the consent of the parties the matter is taken up for hearing and final disposal today.

2. In all these petitions the respective petitioners have challenged the legality and validity of the order passed by the Deputy Secretary (Appeals) dated 20/22 September 2004 in refusing to grant stay of the order dated 10th September 2004 passed by the District Registrar during the pendency and final disposal of the revision applications. In view of the fact that the revision applications are pending before the State Government and they are yet to be decided on merits, this Court proposes to dispose of the present Special Civil Applications by directing the revisional authority-State Government to decide and dispose of the revision applications as early as possible and in any way within the period of 15 days from the date of receipt of this order. Under the circumstances, without entering into the merits and the legality and validity of the orders, the revisional authority - State of Gujarat is directed to decide and dispose of the revision applications pending before him within the period of 15 days from the date of receipt of this order and until then the parties are directed to maintain status-quo as on today. The revisional authority is directed to decide and dispose of the revision applications on merits and in accordance with law without being influenced by the fact that this Court has granted order of status-quo, as on today, in the present Special Civil Applications. It is, however, made clear that this Court has not gone into the merits of the case and the legality and validity of the order passed by the District Registrar dated 10th September 2004 and therefore the revisional authority shall decide the revision applications on merits and without in any way influenced by his earlier orders in refusing to grant stay. It will also be open for the petitioners to challenge the locus of the respondent No.3 though the respondent No.3 is already joined as a party-respondent in the aforesaid proceedings.

3. With these observations and directions, all the present Special Civil Applications are disposed of. Rule is made absolute to the aforesaid extent with no order as to costs. Direct service is permitted.

rmr. [M.R. Shah, J.]